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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
Services**

B5

DATE: **JAN 06 2012**

OFFICE: TEXAS SERVICE CENTER

FILE: [REDACTED]

IN RE: Petitioner:
Beneficiary: [REDACTED]

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability pursuant to section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

[REDACTED]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

A handwritten signature in black ink, appearing to read "Perry Rhew".

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Texas Service Center (Director). The matter is now on appeal before the Chief, Administrative Appeals Office (AAO). The appeal will be summarily dismissed.

The petitioner seeks to permanently employ the beneficiary as an editor-in-chief and requests that she be classified as an advanced degree professional pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2). The Director denied the petition on the ground that the petitioner failed to demonstrate a continuing ability to pay the proffered wage from the priority date of March 5, 2007 (when the labor certification application, ETA Form 9089, was accepted for processing at the Department of Labor) up to the present.

A timely appeal, Form I-290B, was filed with the Nebraska Service Center on February 2, 2009, and forwarded to the AAO on April 10, 2009. On the appeal form the petitioner asserted that the Director erred in his decision, and stated that a brief and additional evidence of the petitioner's ability to pay the proffered wage would be submitted within 30 days. No such materials were submitted within 30 days. Nor did the petitioner make any written request to the AAO for additional time to file a brief directly with the AAO, in accordance with the regulations at 8 C.F.R. §§ 103.3(a)(2)(vii) and (viii). Nearly three years after the appeal was filed the AAO has received nothing further from the petitioner.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides that an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

In this case the petitioner has identified neither any erroneous conclusion of law, nor any erroneous factual findings, in the Director's decision. The petitioner has not provided any additional evidence to be considered on appeal. In accordance with 8 C.F.R. § 103.3(a)(1)(v), therefore, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.